

Medical ethics in health care research paper examples

[Law](#), [Criminal Justice](#)



Medical ethics refers to moral principles usually applied in the medical practice to ensure that professional, ethical, and religious concepts are utilized effectively among health care practitioners. Health care practitioners should use medical ethics during the analysis of medical cases. This is to make sure that physician's or nurses' professionalism is promoted while protecting the well being of the patients. The practice of medical ethics in the health care setting can be traced from the time of Hippocratic Oath and the first code of medical ethics in the 5th century. Over the years, physicians, lawyers, theorists and doctors have continued to improve the issues of medical ethics due to the rapid growth in contemporary medicine. The following paper discusses the issue of confidentiality as part of medical ethics in the healthcare setting. As expressed by the AMA's Council on Ethical and Judicial Affairs, (1992), the purpose of a physician's ethical duty to maintain patient confidentiality is to allow the patient to feel free to make a full and frank disclosure of information to the physician with the knowledge that the physician will protect the confidential nature of the information disclosed. The paper describes what medical confidentiality is, and explains its importance in a healthcare setting. Also, the paper explains the situations upon which confidentiality should be applied, and when it should be over ruled. It then describes how the information should be disclosed and the ethical dilemmas that exist during information disclosure.

Medical confidentiality in health care setting

In order to find the most appropriate way to give treatment and care to a patient, health care practitioner needs to obtain much information from the patient. In these cases, the patient needs to disclose much of his personal

details and share it with the physician or nurse who is going to provide treatment or care. Hence, confidentiality forms a core value in medical practice because the patient needs to trust the practitioner that he/she will treat or the disclosed information as private (Mir, 2011). Health care practitioners usually find several challenges pertaining to this obligation because they may carry out an action that may form a breach to confidentiality. The aspect of confidentiality requires that the health care practitioner must ensure that patients' information is prevented from unauthorized access and is not shared with any other interested parties (Mir, 2011). However, there are some constraints that limit the extent to which a practitioner may protect the confidentiality of a patient's information. In most cases, such exceptional instances are usually vital disclosures of information, and are aimed at ensuring the well being of the patient and other stake holders.

Importance of Medical Confidentiality

Confidentiality is an immensely valuable ethical and legal practice of health care practitioners since it offers utmost respect to a person's privacy, individuality and dignity during treatment and care (Lienhart, 2010). All human beings usually have a desire for privacy, whereby they expect all their shared private information to be kept and used discretely. Every human being harbors some fear of disapproval and any embarrassing situations, and disclosure to private information may lead to such embarrassments and disapproval from the society. Some aspects of human beings such as sexuality are treated with privacy, and any disclosure of problems associated

with such aspects may make a patient feel uncomfortable. Also, confidentiality is essential to protect the patient from stigmatization or discrimination by other societal members. For example, some diseases are viewed with stigma, and patients would not want people to know that they suffer from those diseases. Also, confidentiality through protection of unauthorized access may prevent information from being used against a patient. According to Lienhart, (2010), medical confidentiality shows the level of the practitioner's fidelity towards the patient, and it enhances trust and honest communication amongst patients and health practitioners.

When Confidentiality is critical

There are some instances when confidentiality should be deemed as critical. For example, if a patient shares his or her sexual history or issues related to sexually transmitted diseases, it would be critical to ensure that such information remains confidential and private. Individuals infected by HIV/AIDS always want to maintain the confidentiality of their health status, and practitioners still believe that disclosure of an individual's serology status may bring discrimination, stigmatization and embarrassment amongst the societal members (Mir, 2011). If a practitioner has access to test results of a patient that show the patient to be suffering from an STD, he should ensure that the information is not shared with others since all people would want such information to remain confidential. Also, adolescent sexuality should be treated with confidentiality since young people at this stage are usually highly sensitive about such information. Mental illnesses' information, which can be quite stigmatizing, must be carefully treated to

ensure that it remains confidential. This is because psychiatric conditions require confidentiality to ensure that an effective therapeutic relationship is created between a patient and the practitioner (Jenkins, 2011). Therefore, in all these circumstances, confidentiality should be viewed as critical by the practitioners because any breach of confidentiality may have detrimental effects on the patient's life.

Exceptions to the health-care practitioner's obligation to confidentiality

There are some instances where ethics and law require that the practitioner should disclose medical information regarding to patients (Jenkins, 2011). The first instance whereby the practitioner may be allowed to disclose the information is when a patient consents to such disclosure by waiving his right to confidentiality. Also, there are some cases of illnesses and injuries that should be reported to public medical agencies for monitoring of disease or injury prevalence. For example, there are certain diseases that should be reported to the medical agencies especially various outbreaks. In epidemiological studies, such information can be vital for various studies, and new diseases can also be discussed with an aim of finding the most appropriate treatments or vaccinations (Nancy, 2010). The other instance where strict confidentiality may be over ruled is in the case where a patient is a threat to himself or others. If a patient makes a threat to commit suicide or to harm third parties, it would be crucial for the practitioner to disclose such a patient's information so as to prevent such occurrences. Also, the State or government can request for information disclosure in the case of a court order or during legal defense.

Statutory, Governmental and Practitioner's Ethical Duties

The government or the state provides that some medical conditions must be reported to the authorities and law enforcement agencies. This is usually extremely beneficial in cases where there is an evidence of criminal activities taking place in the society (Nancy, 2010). It is expected that any doctor who comes across a person injured by a gun must report such an incident to the authorities immediately. The doctor does not have to get the consent of the patient because; it is only ethical that criminal activities are reported to law enforcement agencies as soon as possible. The other ethical considerations that should be emphasized on are issues to do with a patient who has evidence of physical or sexual abuse. A woman may go to the hospital with burn wounds and confide to the doctor that the injuries were inflicted by her husband. In such a case, the doctor has ethical right to disclose such information to the authorities. The same applies to children who go to a hospital exhibiting physical and emotional abuse, and such cases should be reported so as to curb similar or future incidences. The physician or practitioner may need to appear in court to testify against the culprit in case the issue reaches the court. Legally, medical practitioners may be charged with civil or criminal cases for failure to disclose such vital information (Nancy, 2010).

Dilemmas during ethical considerations of confidentiality

The first ethical dilemma occurs in the case of managed care or health-care provided by organizations. For instance, companies have contracted health care providers who offer insurance services to employees under the cover.

However, dilemmas about confidentiality of patients' information may occur because some insurance companies need to know the patient's HIV risk factors, drug consumptions, and such information could be used against the patient's interests (Nancy, 2010). Managed care representatives are allowed, by the providers, to inspect patients' records, and other contractors may access patients' information long after the termination of contracts. The other ethical dilemma occurs in the issues of maids' employment medical exam that some employers need to check before employment. The maid may not be able to restrict the medical exam results to be accessed by her employer no matter how private information is. On the other hand, the employer may not employ the maid in case such information is not availed to him.

The other ethical dilemma in medical confidentiality occurs in the case of police, prisoners and the prison's doctor. The prison's doctor conducts various exams and offers treatment to the prisoners, and the information acquired brings a dilemma as to whether the police or prison officials should be given such information (Nancy, 2010). The authorities may need to know every detail of the prisoners while the prisoner may feel embarrassed or fear for such disclosure. In the recent past, another ethical issue has been the electronic medical records that seem to be used in most health care settings due to the advancements in technology. The doctor dealing with a particular patient may not be the same person who enters the information in the system, meaning that there are certain third parties such as clerks, accountants, pharmacists and system administrators (Jenkins, 2011). This

means that the information may land to certain unintended parties, yet there is no way to disregard their role in the patient's care.

Conclusions

The above paper has discussed the issue of confidentiality as part of medical ethics in the health care setting. The paper successfully defined medical confidentiality and explained its role and importance to the patients. Also, the paper explains the situations upon which confidentiality should be applied, and when it should be over ruled. It has also explained statutory duties that form a basis for ethical decisions among health care practitioners when confronted with an issue where confidentiality should be overruled. It has also given the dilemmas involved in making ethical considerations regarding confidentiality matters in health care.

References

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